

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAN BRADY CARVER,)
)
Petitioner,)
)
vs.) Case No. 4:10CV01930 ERW
)
STATE OF MISSOURI,)
)
Respondents.)

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court on petitioner's motion to transfer this case to the United States District Court for the Western District of Missouri [Doc. #4].

Petitioner, a Missouri state prisoner, seeks a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is incarcerated in the Eastern District of Missouri. Petitioner states that his original conviction and sentence arose in Joplin County, which is located in the Western District of Missouri. In addition, petitioner states that he has filed a motion for leave to proceed in forma pauperis in the Western District.¹

The Eastern District of Missouri and the Western District of Missouri both have jurisdiction over the instant petition. See 28 U.S.C. § 2241(d). In such an instance as this, the Court may transfer the petition to the Western District "in furtherance of justice . . ." Id. Additionally, the Court has entered an administrative order stating that, absent any unusual circumstances, any habeas petition challenging a conviction or sentence arising out of a proceeding in the Western District of Missouri should be transferred to that district. In re

¹Petitioner states that his cause number in the Western District is 10-1005-CV-W-DW-P.

Business of the Court, January 27, 1986. As a result, the Court will order that this case be transferred to the United States District Court for the Western District of Missouri.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to transfer this action to the Western District of Missouri [Doc. #4] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the Western District of Missouri. See 28 U.S.C. § 2241(d).

So Ordered this 18th Day of November, 2010.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE